

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CIVIL MINUTES

Date: May 5, 2015	Time: 18 minutes 2:05 p.m. to 2:23 p.m.	Judge: WILLIAM H. ORRICK
Case No.: 11-cv-04494-WHO 12-cv-6360-WHO	Case Name: LifeScan Scotland, Ltd. v. Shasta Technologies, LLC	

Attorney for Plaintiff: Gregory Diskant

Attorney for Defendant: John Shaeffer

Deputy Clerk: Jean Davis

Court Reporter: FTR Recording

PROCEEDINGS

Parties appear for case management conference to discuss the plaintiff's proposal to drop the damage claims, dismiss the '247 patent claims and have a bench trial as to the '862 patent and Lanham Act claims. Parties discuss the status of discovery and scheduling issues. Depositions of inventors in Scotland remain to be completed as to the patents. The Lanham Act claims will require that a survey be conducted. Court indicates that it will proceed as suggested by plaintiff and advises the parties of a criminal trial date which will impact the Court's calendar for some time beginning in spring 2016. The parties may consent to trial before a Magistrate Judge to keep a trial date close to the current one (April 25, 2016) , or the trial will be rescheduled to August 8, 2016. The parties shall meet and confer over possible agreement to trial before a Magistrate Judge or, if not, a new schedule for the case leading up to the new trial date, and shall provide the Court with a stipulation or competing schedules within ten days. Plaintiff shall also file a proposed order consolidating the Lanham Act case with the patent infringement case, dismissing the '247 patent claim and dropping the damages claim.*

If defendant disagrees with plaintiff's position that a bench trial is appropriate for the Lanham Act and patent claim once the damages are dismissed, the parties should brief the Court via joint letter of no more than five pages on their respective positions within the next 45 days.

*The proposed order was not discussed at the conference.